

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Washington, DC**

THE VINTAGE COUNTRY CLUB

and

Case 21 -CA-077097

**LABORERS' PACIFIC SOUTHWEST
REGIONAL ORGANIZING COALITION,
LABORERS' INTERNATIONAL UNION OF
NORTH AMERICA, AFL-CIO**

THE VINTAGE COUNTRY CLUB

Employer

and

Case 21 -RC-073752

**LABORERS' INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 1184, AFL-CIO**

Petitioner

**REPRESENTATIVE OF THE REGIONAL DIRECTOR'S MOTION TO REJECT
THE EMPLOYER'S EXCEPTIONS AND BRIEF IN SUPPORT OF EXCEPTIONS
TO THE REGIONAL DIRECTOR'S REPORT ON OBJECTIONS AND ORDER
CONSOLIDATING CASES AND NOTICE OF HEARING**

Procedural History

Pursuant to a representation petition filed in Case 21-RC-073752, by Laborers' International Union of North America, Local 1184, AFL-CIO ("Union"), on March 9, 2012, an election was conducted. On March 16, the Union filed Objections to Conduct Affecting the

Results of the Election.¹ On March 26, The Vintage Country Club (“Employer”) filed a Motion to Dismiss the Union’s Objections, claiming that the objections were not timely filed. On April 5, the Regional Director issued an Order Denying Employer’s Motion to Dismiss Petition, determining that the Union’s objections were timely filed. On April 10, the Employer filed a Request for Special Permission to Appeal From the Regional Director’s Order Denying Employer’s Motion to Dismiss Petition [Objections]. On May 7, 2012, the Board issued an Order, denying the Employer’s appeal from the Regional Director’s order denying its motion, finding that the Union’s objections were timely filed.

On September 28, the Regional Director issued a Complaint and Notice of Hearing in Case 21-CA-077097 and issued a Report on Objections and Order Consolidating Cases and Notice of Hearing, consolidating Case 21-RC-073752 with Case 21-CA-077097. The hearing in these matters is scheduled to begin November 5. On October 12, the Employer filed Exceptions to the Regional Director’s Report on Objections and Order Consolidating Cases and Notice of Hearing and a Brief in Support of Exceptions.

Argument:

The Employer Has No Right to File Exceptions

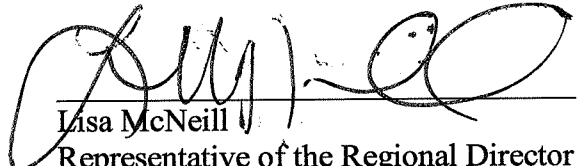
Here, the Regional Director consolidated the representation objections with the hearing in the unfair labor practice case, and set both matters for hearing, which hearing is scheduled to commence on November 5. Inasmuch as the parties entered into a Stipulated Election Agreement, the Regional Director exercised her discretion under Section 102.69 of the Board’s Rules and Regulations and directed a hearing rather than investigate and dispose of the objections. The parties are not permitted the right to request review in the exercise of this discretion, but, pursuant to Section 102.69(i)(1), a party may request special permission to appeal

¹ All dates hereafter are in 2012.

this discretion of the Regional Director. See *Casehandling Manual, Part Two, Representation Proceedings*, Section 11366.1. The Regional Director, therefore, did not include the right to request review in her *Report on Objections, Order Consolidating Cases, and Notice of Hearing*. Under these circumstances, there is no right to except, appeal, or request review of the Regional Director's decision to consolidate and have the matters heard before an Administrative Law Judge. While the Employer may request special permission to appeal the Regional Director's *Report*, it did not do so. A reading of the Employer's documents simply show it disagrees with the Objections. The Administrative Law Judge is certainly capable of hearing the Employer's evidence on the objections and rendering his/her recommendations to the Board. Accordingly, the Employer's exceptions and brief in support are improper and should be rejected.

Conclusion:

Based on the foregoing, the Employer's Exceptions and Brief in Support of Exceptions should be rejected and not considered.


Lisa McNeill
Representative of the Regional Director
National Labor Relations Board
Region 21

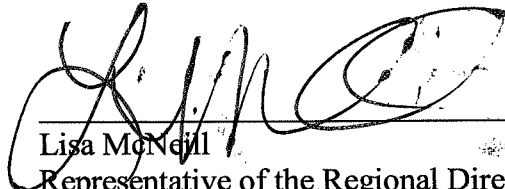
STATEMENT OF SERVICE

I hereby certify that a copy of Representative of the Regional Director's Motion to Reject the Employer's Exceptions and Brief in Support of Exceptions to the Regional Director's Report on Objection and Order Consolidating Cases and Notice of Hearing was submitted by E-filing to Board in Washington, D.C., on October 25, 2012.

The following parties were served with a copy of the same documents by electronic mail on October 25, 2012.

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Lisa McNeill
Representative of the Regional Director
National Labor Relations Board
Region 21

Dated at Los Angeles, California, this 25th day of October, 2012.